

REMARKS

Claims 1-6, 18-23, 35-40, 52-57 and 70-82 are pending in the present application. Claims 83-109 have been withdrawn as being subject to restriction and/or election requirement. Applicants have amended claims 1, 18, and 35 to better define the present invention. Applicants respectfully request reconsideration of the pending claims in light of the following remarks.

Statement of the Substance of the Interview

At the outset, Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview conducted on March 11, 2008. During the interview, the rejection of claim 1 was discussed and the deficiencies of Dailey were explained. Language for clarifying and emphasizing the existing distinctions between claim 1 and the prior art were also presented. The Examiner indicated that amending claim 1 as discussed would be sufficient for overcoming the standing rejected based upon Dailey. Accordingly, Applicants have presented amendments to claim 1, 18, and 35 to further distinguish over Dailey.

35 U.S.C. 103(a) Rejections

Claims 1, 3, 18, 20, 35, 37, 52, 53, and 70 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey (U.S. Patent No. 6,449,491) in view of Hamalainen (U.S. Patent No. 5,966,378). Claims 2, 19, 36, 53, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Hamalainen, and further in view of Phillips et al (US00587302A). Claims 4, 5, 21, 22, 38, 39, 55, 56, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Hamalainen, and further in view of Kumar et al. (US006507572B1). Claims 6, 23, 40, and 57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dailey in view of Hamalainen, and further in view of Wang et al. (US20020055364A1). Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Hamalainen, and further in view of what was well known in the art (US00587302A). Claims 81 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dailey, Hamalainen, and what was well known in the art, and further in view of Wang.

Applicant submits that Dailey fails to teach or suggest, at least, “delaying a response to the floor control request at a communications manager to avoid initiating a page at an infrastructure to re-establish a traffic channel with the source communications device” as recited in claim 1; and also a processor “being capable to avoid simultaneous service origination and paging in a group communication network, wherein the processor is configured to delay a response to the floor-control request,” as recited in claim 52. Still further, claim 70 recites “avoiding a race condition between the service origination process and paging by coordinating operation of a packet data serving node which receives a communications manager initiated response and a mobile switching center which responds to a talker’s service origination request; and not issuing a service origination request until after a talker mobile station has received a response to the floor-control request.”

Dailey teaches a push to talk system which is based upon a TDMA standard, where there is no requirement that the system page the terminals within a group because a call is broadcast on a dedicated common channel (col. 9, lines 12-15). Dailey specifically teaches that terminals engaged in group calls do not require paging because group call traffic channel designation messages can be transmitted in selected paging channel slots that make up higher-frequency sub-

frames with the super-frames (col. 11, lines 37- 41). Dailey fails to teach or suggest any delayed response by the communication manager, as recited in Applicants' claims.

Hamalainen fails to cure the deficiencies of Dailey in this respect. Hamalainen merely discloses avoiding collisions in a time multiplexed, two-way communication system by detecting a time slot used in the first direction of communication and by selecting, based upon the detection, for the second direction of communication such a time slot which will not overlap the time slot used in the first direction of communication (col. 3, lines 7-14).

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 52 and 72. Claims 18 and 35 recite similar subject matter to claim 1 in this respect, and are also allowable at least for similar reasons to those discussed above.

Further, Applicants expressly maintain the reasons from the prior responses to clearly indicate on the record that Applicant has not conceded any of the previous positions relative to the maintained rejections. For brevity, Applicants expressly incorporate the prior arguments presented in the prior response without a literal rendition of those arguments in this response

Dependent Claims

Applicants respectfully submit that the Phillips, Kumar, and Wang references, as applied, at least to fail cure the above-noted deficiencies of Dailey and Hamalainen in relation to independent claims 1, 18, 35, 52, and 70. Accordingly, dependent claims 2, 4-6, 19, 21-23, 36, 38, 39, 40, 53, 55, 56, 57, 76, 78-82, which depend directly or ultimately from, and include all the subject matter of, claims 1, 18, 35, 52, and 70, respectively, should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally

recited features found in the claims. Because independent claims 1, 18, 35, 52, and 70 are believed to be allowable, Applicants have not argued or otherwise relied on independent patentability of dependent claims, but reserves the right to do so in this or any subsequent proceeding.

Summary

For at least the foregoing reasons, it is respectfully submitted that claims 1, 18, 35, 52, and 70 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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